

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Cooperation Department – Sale of properties - Introduction of e-Auction in
Cooperation Department – Guidelines – Issued.

AGRICULTURE & COOPERATION (COOP-III) DEPARTMENT

G.O.MS.No. 220

Dated :**24 -12-2012**

Read the following:

- 1) G.O.MS.No.30, Information Technology & Communication Department, Dated: 09- 08 -2012.
- 2) From the Commissioner for Cooperation and Registrar of Cooperative Societies,A.P.Hyderabad, Lr.Rc.No.19843/2012 /UBL–1, Dt.15/11/2012.
- 3) G.O.Ms.No. 219 A&C (Coop.III) Dept., Dated 24/12/2012.

ORDER

In the G.O first read above, Government have issued orders requesting all the departments, Public Sector Undertakings and Local Bodies of Government of Andhra Pradesh to utilize the e-Auction Services provided by M/s.MSTC Limited, a Government of India, Public Sector Undertaking, for a period of one year on trial basis.

2. As part of its 'e-governance' initiative, Government identified e-Auction as one of the key thrust areas as most of the departments are requesting for the e-Auction services for disposal of their scrap, sale of produces and properties for better efficiency and transparency in auction process. Accordingly, Government entered into an agreement with M/s. MSTC Ltd.,to provide e-Auction Services.

3. It is also ordered that the participating departments shall issue necessary amendments / changes in the existing procedure, as deemed necessary for switching over from the conventional / existing auction to equivalent of e-Auction Process.

4. In the Letter Second read above, the Commissioner for Cooperation and Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad, has furnished the proposals to make amendments to the Andhra Pradesh Cooperative Societies Rules, 1964, as suggested in G.O. Ms. No.30, IT&C Deptt., dated, 9.8.12 to adopt e-auction process. Accordingly, necessary amendments made in the G.O. 3rd read above.

5. Government after careful examination of the matter, hereby issue the following Guidelines / Procedures to be adopted while conducting e – Auction in Co-operation Department:-

- (i) The 'e-Auction' shall be adopted in Cooperation Department in disposal of properties/ Executions of petitions in Cooperative Societies. Initially as pilot project, the Charminar Cooperative Urban Bank (U/L) and Prudential Mutually Aided Cooperative Urban Bank (U/L) shall adopt the 'e-Auction' procedures as indicated in the Annexure-1 enclosed.
- (ii) All the existing codal rules, G.Os, executive instructions applicable to the processing of conventional auction are all applicable to the bids to be invited through 'e-Auction', except to the extent modified / revised in the guidelines enclosed.

- (iii) Further Memorandum of Understanding / Agreements if any with e-Auctioneer (M/s.MSTC Ltd.) shall be completed at the level of Commissioner of Cooperation and Registrar of Cooperative Societies, Hyderabad or may authorize the societies to execute the agreement separately. M/s. MSTC Ltd. shall be entitled the service charges / transaction fee, in consideration of services to be provided as mentioned in G.O.Ms.No.30, Information Technology & Communication Department dated 09.08.2012. It is open to M/s.MSTC Ltd and societies to reduce the charges with mutual consent.

6. The above orders shall come into force with immediate effect.

7. The Commissioner for Cooperation and Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

I.Y.R.KRISHNA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Commissioner of Cooperation & Registrar of Cooperative Societies, Hyderabad

Copy to

The P.S. to Special Chief Secretary, Cooperation Department

The P.S. to Secretary IT&C Department

The P.S. to Principal Secretary, Agriculture & Cooperation (Agri) Dept.

The P.S. to Principal Secretary Fin & Plg Dept.

The P.S. to Secretary to Chief Minister

The P.S. to Min (Cooperation)

The P.S. to Min (Agriculture)

All the District Cooperative Officers in the State.

// FORWARDED:: BY ORDER //

SECTION OFFICER

ANNEXURE -I

**(G.O.MS.No. 220,Agriculture & Cooperation (Coop-III) Department,
Dated 24-12-2012)**

Guidelines / Procedure to be followed in introduction of e-Auction in disposal of immovable properties of Execution Petitions in liquidated banks & other institutions / organization / societies comes under the purview of the Andhra Pradesh Cooperation Societies Act & Rules, 1964 and Andhra Pradesh Mutually Aided Co operative societies Act,1995 and also the General Terms & Conditions, Buyer Terms and Conditions and Special Terms and conditions as published by 'e-Auctioneer'.

1. Notice of Sale of Immovable Property (Form-8):

The Notice of Sale of Immovable Property (Form-8) under rule 52(11)(e) of the Andhra Pradesh Cooperative Societies Rules, 1964 shall be in the Standard formats as prescribed in Annexure-2 enclosed.

2. Notice of Sale to Decree Holder and Defaulter (Form-9):

The Notice of Sale to Decree Holder and Defaulter (Form-9) under Rule 52 (11) (e) of the Andhra Pradesh Cooperative Societies Rules,1964 shall be in the Standard formats as prescribed in Annexure-3.

3. Publication of Notice of Sale :

The officers competent to publish Notice of Sale in case of conventional auction will host the Notice of Sale in the e-auctioneer's website. Simultaneously, a notification should also be published by affixing in the office of Registrar of the District and the Nodal Office at least 30 days before the date fixed for the sale as per existing rules, to affect economy:-

4. Collection of Earnest Money Deposit / Caution Money Deposit (EMD/CMD):

- (i) Pre-Bid Earnest Money Deposit / Caution Money Deposit shall be collected before commencement of e-auction from the interested bidders / buyers in favour of Sale officer / e-Auctioneer through Demand Draft/ Pay Order / **Online Money Transfer** which will be with e-Auctioneer till the date of auction.
- (ii) The Caution / Earnest Money Deposit paid before the start of e-Auction within the specified period is adjustable in the CMD/EMD payments when the property is allotted to the highest / successful bidder. The CMD/EMD of the highest/ successful bidder will be retained, whereas CMD/EMD of unsuccessful bidders will be returned without any interest on the next working day after the closure of auction by auctioneer.
- (iii) The highest / Successful bidder will be taken only on subject to confirmation basis. After the closure of the e-auction the property which is accepted by Sale Officer as highest bid will be intimated to the successful / highest bidder.

5. Inspection of the Property:

- (i) Property is sold on "AS IS WHERE IS AND WHATEVER IT IS BASIS". Measurements, quality, number, sizes etc., whether displayed on the system, at the time of online e-Auction sale or specified in the sale of property are sold on the assumption that the bidders have inspected the same and know what they are buying.

- (ii) The bidders are expected to get themselves fully acquainted with the nature, quality etc., of the property before putting any bid for it. The principle of caveat emptor will apply. The Sale Officer or e-Auctioneer do not give any guarantee or warrantee or undertake any responsibility for the quality, condition, size, measurements etc. of the property mentioned in the sale or displayed in the system. Sale Officer or e-Auctioneer shall not take any complaint about nature, quality etc. of the property once the auction is over.

6. Registration of bidders with e-Auctioneer

- (i) The process of e-Auction shall be published through e-Auctioneer's website, so as to register the intended bidders to participate in the process of e-Auction. Every e-Auction is governed by General Terms & Condition (GTC), Buyer Specific Terms & Conditions (BSTC) and Special Terms & Conditions (STC) as published in the e-Auction website under sale of property. All bidders, purchasers shall deem to have read and acquainted themselves with the process of bidding and terms and conditions of sale and agreed to bid, subject to these conditions only. As part of registration process, e-Auctioneer shall obtain the following information from the intended Bidders / Buyers:
 - (i) Buyer/Bidder Origin
 - (ii) Buyer/Bidder Type
 - (iii) Company Name if any
 - (iv) Person to be contacted
 - (v) City, State/UT, Country & Pin code
 - (vi) E-Mail & Phone Number
 - (vii) PAN Number
 - (viii) Preferred user ID & Password
 - (ix) VAT/CST/TIN NO.
 - (x) Bankers' Name, Branch, Branch Code & Account No.
 - (xi) Further information, if any
- (ii) The 'e-Auctioneer provides an online self-service registration facility to prospective bidder if not already registered. Bidder shall have to deposit registration fee (non-refundable) as prescribed by the e-Auctioneer as a onetime registration fee for the intended auction. Prior to registration with e-auctioneer, the intended bidder / buyer shall apart from Registration fee, the bidder has to deposit EMD/CMD as prescribed by the Sale Officer. Bidders are advised to make two separate DDs / Pay Orders drawn on any nationalized bank for Registration and CMD/EMD as per payment details mentioned in the sale Notice.
- (iii) The user ID and Password will only be e-mailed to the registering bidders and hence a valid e-mail should be entered in the acceptance form by the bidders. Bidder should not disclose his or her user ID and password to anyone and safeguard its secrecy. The Sale Officer shall not be responsible, in any manner, for unauthorized and improper use of the User ID and Password.
- (iv) Bidder should not disclose his or her user ID and Password to anyone and safeguard its secrecy. Cooperation Department shall not be responsible, in any manner, for any unauthorized and improper use of the User ID and Password. Once issued to the Bidder. It is not possible to change the User ID for which they have registered. Kindly note, under no circumstances User ID and Password would be given over the telephone or any other email address.
- (v) For the better understanding of e-Auction platform process, a DEMO auction / MOCK Auction will be conducted on the request of the registered user to clarify their doubts, if any.

7. Submission of Bids:

- (i) Any person representing as an individual OR proprietor Or as a partner OR as an authorized representative of any company who has been registered with the e-Auctioneer and who has paid the Caution Money Deposit (CMD) /Earnest Money Deposit as per the terms and conditions herein shall be considered as a Bidder. One individual can represent as a bidder on his own behalf or on behalf of his company. But he can't register separately for himself & company at the same time. A Bidder must read the terms and conditions of the auction sale very carefully and then only place his signature on the "Registration-cum-Acceptance Form". He is also expected to record his address, Telephone Numbers, Fax No, e-Mail address, as all the communication would be forwarded only at his e-mail address.
- (ii) The bidders who are desirous of participating in e-Auction shall submit their bids as prescribed by the competent authority, owning responsibility for their correctness/ authenticity. Failure to furnish any of the prescribed document or certificate before the date of e-Auction will entail rejection of the bid and forfeiture of CMD/EMD. Similarly, if any of the certificates, documents etc. furnished by the bidder are found to be false / fabricated / bogus, the bidder will be blacklisted and the CMD/EMD forfeited.
- (iii) Person bidding at sale may be required to state whether they bid on their own account as an agent, and in the later cases to deposit a written authority signed by their principal, otherwise bid may be rejected.

8. Processing of e-Auction:

- (i) The process of e-Auction shall be published through e-Auctioneer's website, so as to register the intended bidders to participate in the process of e-auction. Every e-Auction is governed by General Terms & Condition (GTC), Buyer Specific Terms & Conditions (BSTC) and Special Terms & Conditions (STC) as published in the e-Auction website under sale of property. All bidders, purchasers shall deemed to have read and acquainted themselves with the process of bidding and terms and conditions of sale and agreed to bid subject to these conditions only.
- (ii) In terms of the Andhra Pradesh Cooperative Societies Act 1964 and Rules made there under, the Sale Officer of Cooperation Department will organize an online e-Auction of immovable property of EP through e-auctioneer website.
- (iii) Catalogue (including sale list) will be available on the website of e-Auctioneer, Bidders, who are registered with e-Auctioneer can be download catalogue for submission of their bids.

SCHEDULE OF PROGRAM

1	Schedule of the Property	
2	Dates of Display	
3	Date and Time of e-Auction	
4	Caution/Earnest Money Deposit for online auction (non-interestable)	
5	Date and Time for payment of Registration charges, EMD/CMD, 15% of Bid Amount.	
6	85% of Bid Amount	
7	Payment of Stamp Fee	
Note-1: All bids will be accepted subject to approval / subject to confirmation basis		

Note-2: Kindly note the intimation of confirmed acceptances for the listed properties for sale by e-Auction will be sent only through e-mails and not by courier / post
Note-3: The CMD/EMD/ Balance payment to be made as prescribed by sale officer by way of DD/ Pay Order/ Online Payment drawn in the favour of Sale officer/ “e-auctioneer” payable at Hyderabad. No cash transaction will be accepted.
The above referred dates for respective e-Auction are subject to variation in case of any unscheduled unforeseen Holiday/ Bandh or any administrative reasons etc. In any such case, the e-Auction will be held on the next working date.

(iv) Procedure of e-Auctioning (Forward e-Auction)

- a. Forward e-Auction – Cooperation Department will declare the minimum increment amount, which shall be visible to all bidders during the start of the auction. The subsequent bid that comes into outbid the H-1 price has to conform to minimum increment value or in multiples of the incremental value.
- b. Auto Bid – Bidder will have to feed highest bidding amount for a property in a particular auction in the higher limit box at the beginning of the auction / during auction. Once the auto bid is registered please note that it is not possible to change the auto-bid amount in the system or remove the auto-bid amount from the system. The system will bid on his behalf, based on the auction's H1 rate. His bidding dashboard will only show his rank & the H1 rate. Auto-bid amount is not reached (in the H1 rate box) for a particular Property in the auction, the Bid button on his screen will remain disabled. Once his auto bid amount is reached or crossed, he will then have to bid manually only. The manual bid button will activated automatically. The auto-bid option will not be available again. Hence, his auto-bid is only available once.
- c. The auction need not be closed at scheduled closing time as a system of auto extension is in built.If any bid is received during the last five minutes before the scheduled closure of the auction of that particular lot the closing time of that particular lot will get extended by five minutes till there is no bid in the last five minutes.
- d. The minimum bid increments shall be available to the bidders at the start of the auction. The bidder can view the same by clicking on the item details at the start of the auction. The bidder can bid higher than Highest Bid in the auction by an increment, multiplies of the minimum Bid increment or at least minimum bid increment plus multiple of bid increment.
- e. After completion of forward e-auction, the closing price shall be available for further process.
- f. The bids will be taken as an offer to purchase the property. Bids once made by a bidder, cannot be cancelled / withdrawn and the bidder shall be bound to purchase as mentioned above as final bid price.
- g. Cooperation Department shall not have any liability to bidders for any interruption or delay in access to the site irrespective of the cause.
- h. Bidders are required to submit their acceptance to the terms / conditions / modalities given above before participating in the auction.

9. Payment of Purchase Money :

Successful bidder of e-Auction shall be required to deposit 15% of the purchase money within three working days from date of sale (excluding e-Auction day). The amount will be collected by e-Auctioneer on behalf of Sale Officer and the same shall be credit into Sale Officer (who conducts the sale) account. If the successful bidder fails to pay the 15% of the purchase money within three working days from the date of sale, the EMD deposited by the purchaser shall be liable to be forfeited. The successful bidder shall pay the balance of 85% of bid amount and stamp fee if any within 15days from the date of auction. The Same shall be credited to Sale Officer's Account.

10. Amendments

- (i) All displays during the auction including display of any additional conditions or corrections in the sale of property and / or additions or deletions of property being offered for sale are being done with the consent and knowledge of Cooperation Department and it is binding on the bidders.
- (ii) Cooperation department reserves the right to withdraw any sale or part thereof from the sale at any time before it is actually transferred the sale of rights without disclosing the reasons for such withdrawal. However, if any payment has been made for such sale, it would be refunded without any interest thereon.
- (iii) Cooperation Department reserves the right to modify and amend the terms and conditions and intimate the same prior to commencement of e-Auction.
- (iv) All bidders, purchases, shall deemed to have read and acquainted themselves with these conditions of sale and agreed to bid, subject to these conditions only.

11. Bid Confirmation - EMD and Balance Payments

- a. The intimation of confirmed acceptance of Bid will be issued only in the name of bidder as is recorded in the registration form. Any further correspondence will be only with the bidders on his name and address as recorded in the registration form only. Kindly note, change in Bidder's Name shall not be considered.
- b. Please note the intimation of highest bid for the property listed for sale by e-Auction will be sent only through e-mail not by courier / post. Once the bid is confirmed by the Sale Officer, the "confirmed Acceptance" will be intimated to the respective highest / successful bidder. After intimation of the confirmed acceptance, the successful bidder has to pay an amount equivalent to 15% of his bid amount less the EMD already been deposited. Remaining amount shall be paid within 15 days from date of confirmed acceptance.
- c. In case of any failure to pay the balance amount within the stipulated period as per the Andhra Pradesh Cooperative Societies Rules, 1964, the entire sum deposited by the successful bidder shall be forfeited and Cooperation Department shall have the right to re-auction such property immediately in the next auction without any intimation to the successful bidder.

12. Dispute Resolution & Appointment of Arbitrator

In the event of dispute arising out of this e-Auction, the same shall be referred for resolution to a sole arbitrator to be appointed by Cooperation Department under the provisions of the Andhra Pradesh Cooperative Societies Act 1964 and the rules made there under & Andhra Pradesh Mutually Aided Cooperative Societies Act, 1995.

I.Y.R.KRISHNA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

ANNEXURE -II
(G.O.MS.No. 220, Agriculture & Cooperation (Coop-III) Department,
Dated 24.12.2012)

E.P. NO.

L.F. NO.

FORM NO.8

**(Under Rule 52 (11) (e) of the Andhra Pradesh Co-Operative Societies
Rules 1964)**

NOTICE OF SALE OF IMMOVABLE PROPERTY

It is hereby notified that the under mentioned immovable property mortgaged in satisfaction of money of Rs. _____ plus interest @ _____ % P.A. from due by _____ are defaulters to the _____ will be sold by public Auction at _____ / **through e Auction platform www _____** on _____ at _____ or any other day to which the sale may be adjourned. The Sale will commence at _____ and the property will be knocked down to the highest bidder, subject to usual conditions of sale.

2. Purchaser will be required to deposit 15 percent of the purchase money at the time of sale or as prescribed by the sale officer but not more than three working days from the date of sale and if the purchaser fails to pay the remainder of the purchase money within 15 days from the date of sale, the money deposited by the purchaser shall be liable to be forfeited. They should also along with the remainder of the purchase money, and the cost of the stamp paper necessary for the issue of the sale certificate in the event of the sale may, at the discretion of the Registrar of the District be given for payment of cost of the stamp paper alone.
3. If the person declared to be the purchaser, fails to pay immediately after such declaration, the deposit of 15 percent of the purchase money referred to above, the officer conducting the sale of the property shall forthwith be put again and re-sold. If the remaining purchase money and the cost of the stamp paper referred in paragraph 2 are not paid within the stipulated time, the immovable property will be re-sold after issue of a fresh proclamation of the sale. The resale in both cases will be at the expense and risk of the first purchaser.
4. Persons bidding at sale may be requested to state whether they bid on their own account as an agent, and in the latter cases to deposit a written authority signed by their principal otherwise their bid may be rejected.
5. The Sale shall be stopped if the defaulter or other person acting on his behalf of claiming an interest, the property attached tenders payment of the full amount due including interest and other charges provided such payment be made before sunset on the day previous to and on the day appointed for the sale.
6. The sale will not be final until confirmed by the Registrar of the District and a period of 30 days will be allowed between sale and confirmation for admission of appeals by parties aggrieved by any proceedings in connection with such sales. On confirmation of the sale a certificate of sale signed and sealed by the said Registrar will be granted to purchaser.
7. It is to be distinctly understood that the Government are not responsible for errors either in the description of immovable property or in their estimated extent.

Mandal & Taluk	Name of Defaulter and nature of loan	Description of immovable property to be sold with File Number & Letter	Estimated extent	Assessment	Details of any encumbrances to which the property is liable	Remarks

STATION :

DATED :

REGISTRAR OF DISTRICT

N.B : - This notice shall be published by affixing in the O/O The Registrar of the District and the Mandal office atleast 30 days before the date fixed for the sale and also by beat of tom tom in village on three (3) consecutive days previous to the date of sale (Rule 52(11) (e) of the Rules issued under the Andhra Pradesh Cooperative Societies Act, 1964.or other mode for wide publicity.

NOTICE : - It shall be in the discretion of the Officer conducting the sale to decline acceptance of the highest bid to when the price offered appears so clearly inadequate as to make if advisable do so for other reasons.

The Title Deeds relating to the property have not been with the Registrar of the District and the purchaser will take the property subject to the risk of the being mortgages by deposits of title deeds or mortgages not disclosed in the encumbrance certificate.

Copy Submitted to the Divil Coop. Officer (_____).Division
Copy Submitted to the District Cooperative Officer _____Dist.
Copy Submitted to the Commissioner & Registrar of Coop, Societies A.P. Hyderabad
Copy Submitted to Secretary A.P. Coop. Tribunal
Copy Submitted to Concerned Mandal Revenue Officer
Copy Submitted to Concerned Sub Registrar
Copy Submitted to the Joint Registrar/Liquidator

ANNEXURE -III

**(G.O.MS.No. 220, Agriculture & Cooperation (Coop-III) Department,
Dated 24-12- 2012)**

E.P. NO.

FORM NO.9

L.F. NO.

**(Under Rule 52 (11) (e) of the Andhra Pradesh Co-operative Societies
Rules 1964)**

NOTICE OF SALE TO DECREE HOLDER AND DEFAULTER

To,

Take NOTICE that the under mentioned immovable property attached mortgaged satisfaction of claim made byholder of a decree/an Award/an Order on behalf of the will be sold by PUBLIC AUCTION/through e Auction platform www.----- on at at

As indicated in detail in the statement in schedule of property described below: -

The sale will commence at and the said property will be knocked down to the highest bidder, subject to usual conditions of sale.

STATION :-

DATED :-

REGISTRAR OF DISTRICT

SCHEDULE OF PROPERTY TO BE SOLD

Mandal& Taluk	Name of the Defaulter and Nature of Loan	Description of immovable property to be sold with File Number & Letter	Estimate d extent	The amount for the recovery of which the sale is ordered	Remarks

SCHEDULE: Property bearing No

BOUNDED BY: EAST:

WEST:

NORTH:

SOUTH:

NB :- This NOTICE shall be issued to the decree holder and the defaulter after the proclamation of sale is published provided in rule 52(11) (e) of Rules issued under the Andhra Pradesh Cooperative Societies Act, 1964 (Act 7 of 1964).